

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----  
BERTRAND HENRY,

-against-

DONITA MCINTOSH  
-----

**ORDER TO SHOW CAUSE**

CV21-06016 (CBA)

Upon the petition for issuance of a writ of habeas corpus pursuant to 28 U.S.C. 2254, dated **October 29th, 2021**, a copy of which is appended, it is hereby ORDERED that:

- (1) Petitioner is granted leave to proceed in forma pauperis;
  - (2) The Attorney General of the State of New York or, the District Attorney of **KINGS** County, as attorney for respondent, show cause before this Court by the filing of a return to the petition, why a writ of habeas corpus should not be issued;
  - (3) Within sixty (60) days of this Order, (**February 7, 2022**) respondent shall serve a copy of a return, consisting of necessary affidavits and briefs, on the petitioner and file the original with proof of service, with the Clerk of this Court;
  - (4) Respondent shall submit the transcript and record of the trial and any hearings to this Court at the time of filing such return; return; **Respondent is required to electronically file the State Court Record, with no individual attachment to the entry exceeding 5 megabytes. The respondent is also directed to supply a hard copy to Chambers which must be clearly marked "Courtesy Copy, original filed in ECF, docket number CV21-06016."**
  - (5) Respondent shall submit, at the time of filing such return, copies of petitioner's and the District Attorney's briefs: a) on appeal, b) in connection with proceedings pursuant to section 440 of New York's Criminal Procedure Law, and c) in connection with coram no bis proceedings, if any such proceedings took place, as well as all relevant state court transcripts, decisions and opinions;
  - (6) Petitioner, within thirty (30) days of receipt by him (**March 9, 2022**) of a copy of the respondent's return shall file his reply, if any, with the Clerk of this Court;
  - (7) All communications with the Court must be served on the opposing party;
  - (8) Service of a copy of this Order to Show Cause shall be made by the Clerk of this Court by certified mail, together with a copy of the petition to the Attorney General of the State of New York, 120 Broadway, New York, New York 10271 and the District Attorney of Kings County, 350 Jay St., 19th Fl., Brooklyn, NY 11201-2908, and by mailing a copy of this Order to the petitioner.
- SO ORDERED.

/s/ Carol Bagley Amon

\_\_\_\_\_  
Carol Bagley Amon, U.S. District Judge

DATED: Brooklyn, New York  
December 9, 2021